

DOCKET NO.: 215930US99



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : GROUP ART UNIT: 2813  
DIRK C. JORDAN ET AL :  
SERIAL NO.: 09/986,899 : EXAMINER: HOGANS, D.L.  
FILED: NOVEMBER 13, 2001 :

FOR: STRUCTURE AND METHOD FOR FABRICATING SEMICONDUCTOR  
STRUCTURES AND DEVICES UTILIZING THE FORMATION OF A COMPLIANT  
SUBSTRATE HAVING A NIOBIUM CONCENTRATION

RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Restriction Requirement dated May 24, 2002, Applicants elect  
Group I, Claims 1-18, and further elect "species" I, Claims 1-18.

REMARKS

The claims in this case were restricted into four Groups. Applicants have  
provisionally elected Group I, Claims 1-18, for initial prosecution. The Restriction  
Requirement is traversed.

The Office Letter characterizes the Groups I and III as being related as "process of  
making and product made." Referring to MPEP §806.05(f), the Office Letter takes the  
position that the process of Group III could be altered yet still produce the claimed product.  
While not taking a position with regard to the Examiner's comments, Applicants submit that  
the statement in the Office Letter does not meet the requirements set out in MPEP §806.05(f).

#4/Election  
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ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**OBLON**  
**SPIVAK**  
**MCCLELLAND**  
**MAIER**  
**&**  
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**P.C.**  
ATTORNEYS AT LAW

RE: Application Serial No.: 09/986,899  
Applicants: Dirk C. JORDAN, et al.  
Filing Date: November 13, 2001  
For: STRUCTURE AND METHOD FOR FABRICATING  
SEMICONDUCTOR STRUCTURES AND  
DEVICES UTILIZING THE FORMATION OF A  
COMPLIANT SUBSTRATE HAVING A NIOBIUM  
CONCENTRATION  
Group Art Unit: 2813  
Examiner: HOGANS, D.L.

\* SIR:

Attached hereto for filing are the following papers:

**RESTRICTION RESPONSE; REQUEST FOR EXTENSION OF TIME (THREE-MONTH)**

Our check in the amount of \$920.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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